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The genesis of the Kansas-Nebraska Act

Washington

1916

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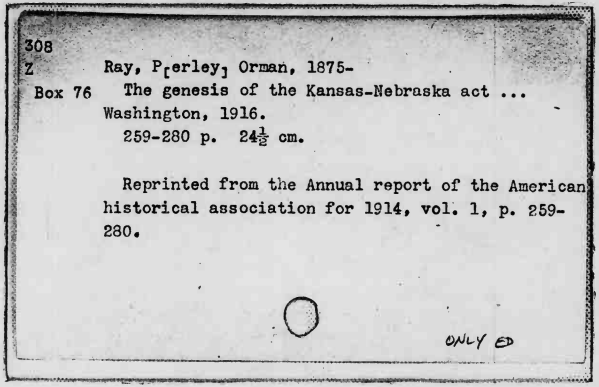

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THE GENESIS OF THE KANSAS-NEBRASKA ACT

BY

P. ORMAN RAY

Reprinted from the Annual Report of the American Historical Association for 1914, Volume I, pages 259–280

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WASHINGTON
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THE GENESIS OF THE KANSAS-NEBRASKA ACT

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BY

P. ORMAN RAY

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XV. THE GENESIS OF THE KANSAS-NEBRASKA ACT.

By P. ORMAN RAY,
Professor in Trinity College.

THE GENESIS OF THE KANSAS-NEBRASKA ACT.

By P. Orman Ray.

The genesis of the Kansas-Nebraska act presents a striking illustration of the importance of a careful study of State politics in order to arrive at a solution of not a few problems in the history of national politics.

My theory of the genesis of this important piece of legislation stated very briefly is (1) that the act originated in western conditions, particularly in political conditions in Missouri; (2) that the immediate occasion for the passing of the act in 1854 is to be found in the Missouri senatorial campaign of 1853–1854, when Thomas H. Benton was seeking restoration to the United States Senate in the place of David R. Atchison; and (3) so far as any one individual can be regarded as responsible for the repeal of the Missouri compromise, that such circumstantial and direct evidence as has been found points very strongly to Senator Atchison of Missouri. I believe that we shall never arrive at a true explanation of the origin of this celebrated act so long as we keep our eyes glued on Stephen A. Douglas and are unable to see the possible influence of others.[1]

No theory of the genesis of this act is adequate which does not explain from the evidence at hand two essential points: (1) Why the passage of the act occurred in 1854, and neither sooner nor later; and (2) why the feature which repealed the Missouri compromise was added. A Nebraska bill without repeal of the Missouri compromise might have passed Congress in 1853. At least Douglas himself said in the Senate in March, 1853, that he knew there was a majority in favor of the bill which had passed the House, if only the bill could be brought to a final vote. It therefore becomes of the greatest importance to ascertain what had been happening between March, 1853, and January, 1854, which resulted in adding to the Nebraska bill the repeal of the Missouri compromise prohibition of slavery in the proposed territory.

During that period, and while Douglas was absent six months in Europe, the Wyandott Indians and the people of Iowa and Missouri

[1] This theory, together with the evidence upon which it is based, is elaborated in my book, The Repeal of the Missouri Compromise: Its Origin and Authorship, Cleveland, The Arthur H. Clark Company, 1909; hereafter cited as Ray.

had become intensely and actively interested in the organization of Nebraska Territory, in the construction of a Pacific railroad across it, and in the question of slavery or freedom in the new territory. All of these factors are important elements in explaining the genesis of the Kansas-Nebraska act *minus* the repeal feature. They would serve equally well to explain the genesis of such an act after 1854. But the most important factor of all, in my judgment, because it seems to be the only one which serves to concentrate the force of all these other factors and to focus them in a demand for definite congressional action at a definite point of time, was the schism which had rent the Democratic Party in Missouri during the preceding decade, and which culminated in the Missouri senatorial campaign of 1853–1854. This factor seems to me to be the only one which is sufficient to account for the appearance of the Kansas-Nebraska act, *plus* its most distinguishing feature, early in the year of our Lord, 1854.

Since the year 1844 there had existed a bitter factional contest in the Democratic Party in Missouri. One faction, comprising the conservatives on the slavery question and those with free-soil sympathies, was led by Col. Thomas H. Benton. The other faction included the radical proslavery men, led by David R. Atchison and James S. Green, who looked to John C. Calhoun for inspiration. After several years of plotting and strife, the Atchison wing of the party succeeded in 1850 in preventing Benton's reelection to the Senate. According to the reckoning of his enemies, this defeat should have annihilated Benton politically, but herein they miscalculated. In tracing Benton's subsequent political career we find a clue which leads us straight toward what I am convinced is the true explanation of the Kansas-Nebraska act, with the section which repealed the Missouri compromise.

Benton's election to the House of Representatives in 1852 was merely an episode in his efforts to compass his restoration to the Senate in 1853–1854 as successor to the leader of the opposing faction, David R. Atchison. The same fury and vehemence and vituperation that had distinguished Benton's senatorial campaign in 1849 characterized his campaign in 1852. A hostile New Orleans newspaper[1] thus describes it:

> He spared no public or personal denunciation. He exhausted every expletive of abuse. He ransacked the entire range of the English language for terms of scorn and derision. He spared no character. He wavered in no contest. He struck at everything and everybody, fiercely, powerfully, and with a rude grandeur of gigantic rage and hate. He was an angry Vulcan, forging and launching thunderbolts of hate.

[1] New Orleans Crescent, quoted in Jefferson Inquirer, Aug. 28, 1852; also in Ray, 69, n. 87.

In the few minutes at my disposal I can indicate only in the briefest way some of the steps which marked the metamorphosis of a State factional contest into an issue fraught with the most serious national consequences.

It was an important, if not the leading, part in Col. Benton's plan of campaign in 1853 so to associate the organization of Nebraska Territory and the construction of the railroad from St. Louis across Missouri to the Pacific that the people of Missouri should look upon the establishment of the territorial government as indispensable to the success of the railroad.[1] In the execution of this plan Benton grossly misrepresented Atchison as not only not favoring the railroad but as being positively hostile to it, and also as hostile to the organization of the territorial government in Nebraska; and, therefore, as acting in opposition to the most important interests of his constituents.

As a direct result, we find a great reawakening of interest in Nebraska Territory late in 1852 and throughout 1853 among the people of Missouri and Iowa and among the Wyandott Indians. Consequently, the attitude of Senator Atchison upon the Territorial question underwent a change in the winter of 1852–1853. He came to realize that the people of western Missouri in particular, his own immediate constituents, eagerly favored the early creation of a Territorial government. As a practical politician he saw that there was nothing for him to do but to accede to their wishes, notwithstanding his own previous opposition to the organization of Nebraska, due in part to the prohibition of slavery therein. Accordingly, when the Nebraska bill came before the Senate in March, 1853, he turned as graceful and as dignified a political somersault as was possible and indicated his willingness to support the bill in spite of the obnoxious compromise restriction.[2]

From Atchison's remarks in the Senate upon this occasion and from the letters of Abelard Guthrie,[3] the Wyandott delegate, written late in 1852, it was not difficult to forecast the attitude which Benton and Atchison would assume in case an issue arose which involved the retention or the repeal of the Missouri compromise as applied to the

[1] Although Benton, as early as 1849 and again in 1850, had introduced in the Senate two bills which embodied his pretentious plan for a great "central national highway" from the Mississippi to the Pacific, and had made two speeches thereon in the Senate, I have been unable to find any evidence of belief on the part of Benton that a territorial government for Nebraska was "indispensably necessary," as Prof. Hodder says, to the success of the Pacific railroad prior to his speech at Jackson, Mo., late in October, 1852. (See Ray, Chapter III.) The emphasis which Benton placed on this alleged indispensability seems to me to have been designed for campaign consumption in Missouri. Inasmuch as Prof. Hodder's theory, to be discussed later in this paper, rests very largely upon the assumption, without proof, that the territorial government was "indispensably necessary" to the Pacific railroad, I shall revert to the matter again. (See *post*, p. 267.)

[2] Congressional Globe, XXVI, 1111 ff; quoted in Ray, 102 ff. See also Ray, 112 ff.

[3] Quoted in Ray, 87 ff.

new territory. Upholding the power of Congress to exclude slavery from the territories, Benton would certainly oppose any attempt to repeal the old restriction. Denying the power of Congress in the premises, Atchison would be found vigorously supporting a direct or even an indirect repeal of that restriction; and, a fortiori, would he do so if his political existence seemed to depend upon it.

As soon as Congress adjourned in March, 1853, the Missouri senatorial campaign was vigorously renewed, and the organization of Nebraska Territory as a prerequisite to the construction of the Pacific Railroad, owing to Benton's tactics, became the all-engrossing issue. Benton soon visited the western counties of the State, which formed Atchison's "stamping ground," and found the inhabitants feverish to get across the river into the rich lands of Nebraska. In this eagerness Benton perceived an opportunity to make much-needed political capital for himself at the expense of his rival. Shortly thereafter he proclaimed the startling doctrine that Nebraska was then legally open to immediate settlement without the necessity of further action by Congress or by the Executive, and at the same time pledged himself to champion a Territorial bill at the next session of Congress. Thus he hoped to detach from Atchison and transfer to himself the political allegiance of those populous frontier counties.

Benton's disconcerting aggressiveness in declaring Nebraska legally open to settlement, as well as his misrepresentation of Atchison's attitude toward the Pacific Railroad, although in the end proving a boomerang, had the immediate effect of seriously weakening Atchison's position as a candidate and of compelling him to act upon the defensive, a situation relished by no politician who is opposed by a formidable antagonist. Indeed, the political situation throughout the summer and autumn of 1853 was full of difficulty for Atchison. In order to recover the ground lost as a result of Benton's unexpected maneuver, Atchison was not slow to see that he, too, must adopt, even at the risk of a charge of inconsistency, an aggressive Nebraska policy; but it must, of course, be one essentially different from that of Benton. In this crisis, to extricate himself from a most embarrassing position in which his very political existence seemed at stake, he boldly announced himself in favor of the organization of Nebraska, *but only upon the condition* that the ancient restriction upon slavery be repealed in order to permit his slaveholding constituents to enter Nebraska and raise hemp with the help of their slaves.

This was the Missouri political situation, briefly summarized, at the time when the Thirty-third Congress met in December, 1853. There can be no mistake that the most important issue between the warring factions in Missouri was nothing less than the retention or the repeal of the Missouri compromise. Since these issues related directly to subjects peculiarly within the scope of congressional action, the contest was certain to reappear in one form or another at Washington, for there alone could the issues be finally determined. It seems highly improbable that Members of Congress who had been conspicuous in the increasingly acrimonious discussions in Missouri in the summer and fall of 1853 should abruptly drop all their personal animosities and discard their interest in the Nebraska question as soon as Congress convened. Not only the Missouri newspapers but also prominent newspapers of the East, both northern and southern, freely expressed the belief that all the questions connected with the Nebraska movement in Missouri would be transferred to the halls of Congress.[1]

At any rate, with Missourians, Iowans, and Indians all at work, the Nebraska question was certain to assume in the Thirty-third Congress an importance far greater than in any preceding session. In all probability it would have caused a renewal of the slavery agitation even if Senator Douglas had not been in Congress. Certain it is that the territorial question came before the Senate Committee on Territories, and Senator Douglas was thus compelled to take one side or the other of the issues championed by Atchison and Benton. He was obliged to act either with the conservative slavery-restrictionist element in the party or with the radical pro-slavery wing or else devise some middle ground upon which both factions could unite.

That Senator Atchison should seek to influence Douglas's decision was not unnatural but highly probable, especially since they were not only fellow-partisans but also close friends. It is not difficult to see how powerful an appeal Atchison could make for the incorporation into the Dodge Nebraska bill of some clause which should in effect repeal the old compromise restriction. It is not unfair to argue that Atchison's political necessity could have been so presented as to appear to be Douglas's great political opportunity. In the first place, by championing the repeal, Mr. Douglas would be assisting a political and personal friend in dire straits. Furthermore, he would be placing the southern Democracy under obligation to himself, and thus would materially increase his chances of obtaining the presidential nomination in 1856. The principle of popular sovereignty would afford ground upon which the rank and file of the factions in Missouri might unite with some semblance of harmony, since each faction there had but recently declared in favor of that method of deciding the "vexed" question; and this would enhance the popularity of the measure in other portions of the West. Ready at hand was a plausible justification for attaching the repeal feature to the bill, for Democratic newspapers had already interpreted the

[1] Quoted in Ray, 179 ff.

compromise of 1850 as applicable to Nebraska.[1] Loyalty to that compromise, as thus interpreted, could be made a test of political orthodoxy in New York where also the party was "in distracted condition." To this basis for the repeal, moreover, objections from either of the two national parties would be forestalled by the doctrine of supersedure, for both parties stood committed to the finality of the compromise of 1850. If, in addition to all these considerations, it be conceded that Mr. Douglas was a sincere believer in the dogma of popular sovereignty as a cure for the slavery agitation, then it requires no abnormal imagination to conceive how effectually a personal and political friend could have made his appeal to the chairman of the Senate Committee on Territories so to shape the Nebraska bill as to meet the Missouri political situation. In a word, it might have been represented as a turning point in Douglas's political career.

At any rate, we all know what followed. Just how the plan embodied in the Kansas-Nebraska bill bore upon the old fight in Missouri is easily explained. After passing the Senate, the bill repealing the compromise came before the House, of which Col. Benton was then a picturesque member, and he was thus compelled to face a dilemma. If he supported the Nebraska bill with the repealing clause, he would go counter to his well-known free-soil opinions and sympathies, and, in consequence, he would lose the support of the Missouri restrictionists in the ensuing August legislative elections. If, on the other hand, he should oppose the bill, he would go counter to his recent and repeated pledges to bring about the immediate establishment of a territorial government, and consequently would be certain to lose the support of the populous pro-slavery counties on the western border, which he had taken such extraordinary pains to win over. Either course involved the loss of an important political following in his fight for restoration to the Senate. In the end, Col. Benton spoke and voted against the bill, thus doing, in the words of a Missouri newspaper editorial,[2] "all that his worst enemy could ask." His vote largely explains his defeat in the next senatorial election, but he doubtless derived a compensating satisfaction from the fact that Atchison also failed of reelection.

This, in greatly condensed outline, is my theory of the genesis of the Kansas-Nebraska act with its repeal feature. As to the relative

[1] Quoted in Ray, 187 ff. Prof. Hodder dismisses the importation by Douglas into the Kansas-Nebraska bill of the doctrine that the Missouri compromise had been superseded by the principles of the compromise of 1850 (Jan. 20, 1854), as "verbal jugglery intended to cover his defeat." To this method of historical writing, I for one take exception. There is evidence which tends to prove that this doctrine of repeal by supersedure was not an invention of Douglas; that, on the contrary, there was a considerable, respectable, and influential portion of the Democratic Party which held that the compromise measures of 1850 had established a new principle to be followed in the creation of future territories; and that their views had been publicly expressed editorially in leading Democratic newspapers weeks before the appearance of the doctrine in the Senate. Prof. Hodder ignores this evidence.

[2] Editorial in the Missouri Republican, Mar. 14, 1854; quoted in Ray, 224.

importance of Atchison, Douglas, and Dixon in shaping the act, I am content to rest my conclusion on the probabilities of the case thus briefly outlined, in order to simplify our discussion by avoiding controversy over Atchison's own claims in the matter as well as over the testimony of Col. Parker, Francis P. Blair, and others, which is a stumblingblock and rock of offense to some; whereas to me that testimony seems to be corroborative and cumulative in its effect.[1]

The remaining portion of my remarks will be confined to an attempt to establish the unsoundness of Prof. Hodder's theory of the genesis of the Kansas-Nebraska act.

Prof. Hodder's paper on The Genesis of the Kansas-Nebraska Act[2] illustrates three not uncommon defects in historical writing, namely, (1) a tendency to attach to past events and discussions an importance, based upon subsequent developments, which is wholly out of proportion to that felt by most contemporaries, that is to say, by the general public. (2) The oft-noted and criticised tendency to write antebellum history chiefly from the pages of the Congressional Globe is also conspicuous; but since Prof. Hodder appears to rely mainly upon that source, I may perhaps be pardoned if I attempt to answer some of his arguments by appealing to the same source. (3) Equally prominent is the tendency of the special pleader plausibly to present all the evidence that supports his own theories and to overlook, if not to ignore, evidence which tends to establish a different conclusion. The specific points which seem to justify these three general criticisms will, I think, appear clearly if, passing over the introductory and irrelevant portions of the article, we analyze carefully the main assertions and arguments, together with the evidence or lack of evidence upon which they are based.

Prof. Hodder's main propositions, as I understand them, are (1) that the chief factor in the genesis of the Kansas-Nebraska act was the agitation for a transcontinental railroad;[3] (2) that Douglas was "above all other things interested in the railroad development

[1] See Ray, 230 ff, and Appendices C, D, and E; also MS. of Philip Phillips, quoted in McMaster, VIII, 195, n.

[2] "The Genesis of the Kansas-Nebraska Act," Wisconsin State Historical Society Proceedings, 1912; hereafter cited as Hodder.

[3] Hodder, 69. Prof. Hodder's statement (p. 70) that "the rivalry [over routes] was all the keener because it was supposed at that time that not more than one Pacific railway would ever be needed and that the first one constructed would remain the permanent highway across the continent," seems to be disproved by a careful reading of the Senate debates in the second session of the Thirty-second Congress over the Rusk Pacific railroad bill. For example, Seward, of New York, said: "It is idle to suppose that one road across this continent is to answer the purposes of trade and commerce perpetually or for any long time." Cong. Globe, XXVI, 766.

Prof. Hodder also exaggerates the necessity for a Pacific railroad via the South Pass. Douglas himself did not regard the South Pass as essential. On Feb. 19, 1853, he said in the Senate while speaking in support of the Rusk bill: "When I used the expression 'South Pass' in an illustration, I had not the slightest idea that there was any implication, directly or indirectly, in the bill that would indicate that as the location of the road. I will go further and say, as I can say, I do not believe under this bill that Gen.

of the West";[1] (3) that the creation of a territorial government in Nebraska was "indispensably necessary" to the construction of the Pacific railroad,[2] and that these two subjects "were coupled in Douglas's mind from the beginning of his national career";[3] (4) that his desire to promote western railroad interests, especially those of Chicago, was the controlling motive which induced him to champion the Kansas-Nebraska bill;[4] (5) that in order to insure the passage of that bill, by attracting to its support southern votes in Congress, Douglas, reluctantly and under pressure, added the clauses which repealed the Missouri compromise;[5] and (6) that Douglas can not fairly be charged with having been actuated chiefly by selfish ambition for the presidency.[6] With the last two propositions I am in general accord, but upon the first four I take issue with Prof. Hodder.

Prof. Hodder begins by saying that the Kansas-Nebraska act was the resultant of "four distinct elements."[7] Although each of these

Pierce would locate it through that pass. And I will go further and say that I believe there are half a dozen passes through the mountains practicable for a railroad south of the South Pass, where it could be located, and that on a tolerably direct line, without touching any one of the States. I do not believe that the bill gives the slightest advantage either way in the location of the road. I believe that a central position will be selected under it, if it passes, not because I have any information, but simply because it is being left to the Executive to do justice to the North and to the South, and he will have a due regard to both sections. I disclaim any idea that the North is getting the slightest advantage under the terms here used." Cong. Globe, XXVI, 708.

In this connection it would be interesting to know the circumstances which led to the rescinding by the Illinois legislature of instructions to Illinois senators and representatives to support the bill of the preceding session, which made provision for the construction of both a northern and a southern road, mentioned by Douglas on the day of the remark quoted in the preceding paragraph. See Cong. Globe, XXVI, 714.

[1] Hodder, 71.

[2] Hodder, 72, 74. Prof. Hodder says (p. 72), "It was indispensably necessary that the territory through which the road was to be built be organized in order to provide means for building it by the sale of land and in order to provide both protection and business after the road should be built. Unless the northern territory could also be organized, the chance of securing a northern route was lost." Although it is essential to the validity of Prof. Hodder's theory that this indispensability be established, it should be noted that he produces no evidence to prove it. The assumption seems to me to be entirely unwarranted. (See ante, p. 267.) Certainly, in the lengthy Senate discussion of the Rusk Pacific railroad bill in 1853, in the course of which many members favorable and unfavorable to the bill took part, I think I am safe in saying that there is nothing which indicates at all conclusively that any Senator regarded the territorial government as in the least degree indispensable. As a matter of fact the subjects are not coupled in the Senate debate.

[3] Hodder, 76.

[4] Hodder, 71, 84.

[5] Hodder, 81, 85.

[6] Hodder, 85, 86

[7] Hodder, 69. As a matter of fact, it was the resultant of five elements: the four which Prof. Hodder names—(*a*) the agitation for a transcontinental railway, (*b*) the question of slavery in the Territories, (*c*) the local demand in Missouri and Iowa for the organization of Nebraska Territory, and (*d*) the activity of the Wyandott Indians. These elements may be sufficient to explain the genesis of the Kansas-Nebraska act minus the repeal of the Missouri compromise restriction; but, to me at least, they do not seem sufficient to explain the genesis of that act plus the repeal, which is the most important feature of the act, although kept in the background in the paper under consideration. Neither are these elements sufficient to explain why the act and repeal came in the year 1854. We must, therefore, if our enumeration is to be complete, add a fifth element, namely, the dissensions in the Democratic Party in Missouri of nearly 10 years' standing.

elements is clearly distinguishable from the others, I can not agree with Prof. Hodder that they were "distinct." To me it seems perfectly clear that they acted and reacted upon one another in a most unmistakable manner.

Neither can I agree with his assertion that of these elements or factors the "agitation for a transcontinental railroad" was "the first and most important." We must remember that this agitation extended over a period of nearly 20 years, a period longer than that which has elapsed since the Spanish-American War, before Congress finally passed the necessary legislation for its construction. The genesis of the Kansas-Nebraska act fell in the first half of that long period when a priori it may fairly be presumed that there was much less public interest in the subject to warrant congressional action than in the years which just preceded the final legislation of 1862. Eight years elapsed after the enactment of the Kansas-Nebraska bill, and then only after the Civil War had been in progress a year, before Congress felt justified in making the first definite provision for the actual construction of the road. I am not saying that the Pacific railroad project was not an important subject in 1853–1854, especially in certain sections and in some minds and with certain special interests. But it requires more evidence than Prof. Hodder has yet produced to prove that the subject had, in those years, become of sufficient general importance to justify us in calling it "the first and most important" element, "the mainspring,"[1] in the appearance and passage of the Kansas-Nebraska bill.

This seems to be borne out in part (*a*) by my interpretation of Douglas's letter to Walker and Lanphier, his newspaper friends in Illinois, written in November, 1853, and which Prof. Hodder cites.[2] If the order of the topics mentioned in this letter is likely to come before Congress and the phraseology used is of any significance, one may, I think, fairly regard the Pacific railroad as the least important of the subjects which Douglas mentions. Characteristically, the first two subjects mentioned, and the ones which I think were probably "uppermost" in his mind, were (1) the distracted condition of the party and the importance of "consolidating its power and perpetuating its principles"; and (2) the mistakes of the admin-

[1] In this connection the remarks of John Bell of Tennessee are important: "I am sorry to see an advantage taken of the interest excited by other business and questions before the Senate to defeat this measure. The resolution in relation to Cuba, Central America, to the Clayton and Bulwer Treaty, British Honduras, the Bay Islands, the Tehuantepec grant, and the Texas debt bill have each and all of them been magnified into subjects of far greater public interest than the construction of a railroad to the Pacific. In the midst of so many more interesting and exciting questions it is difficult to get Senators to give any attention to such a project as this. The truth is that this subject has not the advantage of the outside pressure of personal and individual interest and solicitude as some other measures have. All the influences of this kind are against it." Cong. Globe, XXVII, 227 (Feb. 17, 1853).

[2] This letter is printed in full in Ray, 185–186.

istration, especially in the distribution of the spoils, and his willingness to support the administration, nevertheless; but the difficulties ahead of it, he says, "*must* be met boldly and fairly." (3) There is a surplus revenue "which *must* be disposed of, and (4) the tariff reduced to a legitimate revenue standard." (5) "The river and harbor question *must* be met and decided." And finally he gets around to mention (6) the fact that the Pacific railroad will be "a disturbing element," etc. Whether this order of topics and phraseology is of any significance or not, one thing is certain, it can not fairly be claimed from anything in this letter, written less than a month before Congress met, that Pacific railroad considerations were "the mainspring" to the movement for the organization of Nebraska Territory, a subject which, it should be noted, is entirely unmentioned in this letter.[1]

(*b*) It should be further noted in this connection that less than two years before the passage of the Kansas-Nebraska act the subject of the Pacific railroad was not deemed of sufficient importance by any national party to be mentioned in its platform of 1852; and even in 1856, more than two years after the passage of the act, of which we are told that the mainspring was the Pacific railroad agitation, there is no mention of that subject in the Democratic platform or in the Whig platform.[2] In that year only the new Republican Party, the "progressive" party of that day, felt warranted in giving the Pacific railroad honorable mention in its national platform. It was not until 1860 that the subject had assumed sufficient importance in the estimation of Mr. Douglas's own party to find a place in the Democratic platform.

Passing to his second main proposition, we find Prof. Hodder asserting that "above all other things, Douglas was interested in the railroad development of the West." In support of this statement he cites (*a*) Douglas's well-known activity in procuring the land grant in 1850 for the Illinois Central; (*b*) his proposal of 1845, while a Member of the House, for land grants to the four middle-western States for a railroad from Lake Erie to the Missouri River; and (*c*) his bill of December, 1844, for the organization of Nebraska and Oregon Territories, which, according to Douglas's father-in-law, provided for a land grant to these Territories for a railway from Missouri to the Pacific. These last two bills are cited for the purpose of showing that the creation of a Territorial government for Nebraska

[1] "Had Nebraska and the Missouri compromise been uppermost in his [Douglas's] thoughts, he would have referred to the subject; for the letter was written in strict confidence to friends from whom he kept no secrets and before whom he was not wont to pose." Johnson, Stepken A. Douglas, 228.

[2] Prof. Hodder says (p. 84) that in 1856 "both parties declared in their platforms for a transcontinental road." The Whig and Democratic platforms as printed in Stanwood's History of the Presidency and in Cooper's American Politics contain no such declaration.

and the construction of a Pacific railroad "were coupled in Douglas's mind from the beginning of his national career."[1]

If this be true, what inference shall we draw from the fact that, so far as Prof. Hodder indicates, Mr. Douglas thereafter was silent on these important and so vitally related subjects for a period of over three years, from December, 1844, to March, 1848, during which period Asa Whitney, the John the Baptist of the Pacific railway movement, was going up and down the land not wholly unlike "the voice of one crying in the wilderness." Finally, in March, 1848, Mr. Douglas, then serving his first term in the Senate, broke his silence and introduced his second Nebraska bill. If this bill contained any evidence that the Territorial government and the Pacific railway were "coupled" in Douglas's mind, Prof. Hodder does not mention the fact. On the other hand, apparently the impulse resulting in the introduction of this second Nebraska bill came not from the State of Illinois but from Missouri, for, three months before Douglas introduced this bill, a Representative from Missouri and a Senator from Missouri had presented to Congress a memorial from the legislature of that State which argued for the organization of Nebraska Territory, but made no mention of the Pacific railroad. This memorial had been referred to Douglas's Committee on Territories, and not long thereafter appeared this second Nebraska bill. The following December (1848) Douglas introduced his third Nebraska bill and, at the same time, bills for the organization of Minnesota and New Mexico. Here again, if there is any evidence of the connection of the Territorial government and the Pacific railroad, Prof. Hodder does not mention it. Then there ensued a period of over four years during which Douglas did not introduce or report any bill for the organization of Nebraska.

In the meantime Douglas did introduce one bill which Prof. Hodder thinks has a tendency to prove Douglas's great interest in the Pacific railroad. In April, 1852, he introduced a bill "for the protection of the emigrant route" for a telegraph line and overland mail from the Missouri River to California and Oregon. But Prof. Hodder fails to give us Douglas's own explanation of how he came to introduce this bill at this particular time. With some show of impatience, it seems to me, Douglas declared that "Memorials upon memorials in piles, from all the western States" had been flowing in upon the Committee on Territories during this session of Congress, "memorials for the protection of the emigrant lines * * * between the Mississippi River and the Pacific Ocean." At least one such memorial had come from Missouri, having been drawn up in Park-

[1] The first Nebraska bill (1844) apparently originated not with Douglas, but with William Wilkins, Secretary of War, in his report submitted to Congress in November, 1844. (See House Executive Documents, 2 sess., 28 Cong., I, 124 ff; and Ray, 95 ff.)

ville on the western border of the State, and presented to the Senate by Senator Atchison a week before these remarks by Douglas. In spite of all this Western demand for the protection of the emigrant routes, Mr. Douglas could declare to the Senate: "I was not ambitious to come forward with a proposition of this kind."[1] A careful study of the debates over this bill[2] and over the Rusk Pacific Railroad bill of 1853 which was substituted for it in the Senate fails to disclose any distinguishing enthusiasm on Douglas's part for the railroad bill, or that there was any vital connection between the two measures in the mind of Douglas or of any other member of the Senate.

Another point which I wish to criticize is Prof. Hodder's reply to my objection that Douglas was not controlled by Pacific Railroad considerations or else he would have testified to the fact when defending himself either in Congress or upon the stump for his part in the repeal.[3] The reply of Prof. Hodder is that Douglas "could

[1] Cong. Globe, XXIV, pt. II, 1161, 1683–84.

[2] That this bill at its inception had no connection with the Pacific railroad question appears from Douglas's statement in the Senate: "It is an important bill, I admit, but it is important only for this reason: That we have no protection provided for the emigrants, travelers, and traders, and the mail carriers between the western settlements and the Pacific Ocean; and murders, robberies, and all sorts of aggressions are committed by the Indians upon our people while they are passing through the Indian territory. Some protection is due and necessary to those people . . . The only new principle introduced into this bill is that under it volunteers are to be raised to go and build these [military] posts of the materials along the line . . ." Cong. Globe XXIV, pt. II, 1684 (July 8, 1852). This is the burden of his entire argument for this bill. Several other speakers referred to the subject of the Pacific railroad, but in all of Douglas's remarks the following is, I think, the only allusion to the railroad: "Is there a man in this body who does not know that this Union can not exist unless we have some means, either this road [i. e., the military road] or a railroad, or some other means of communication with the Pacific?" Ibid., 1762.

From Prof. Hodder's summary reference to this emigrant protection bill of 1852 and to the Rusk Pacific Railroad bill of 1853 one is easily led to infer that Douglas was chiefly responsible for the substitution of the railroad bill for the former by the select committee to which his bill had been referred at the opening of the second session of the Thirty-second Congress. I am unable to discover that Douglas was even a member of this select committee. Rusk, of Texas, was the chairman, and without doubt the moving spirit in the committee. Weller, of California said: "I know and I admit that the Senator from Texas has labored more assiduously than any Senator on this floor in the preparation of this bill. I know that all his energies—and great they are—have been devoted to accomplish this great national work, and that the section of the Union from which I come owes him a deep debt of gratitude for the friendly interest he exhibits in it." Cong. Globe, XXVI, 774 (Feb. 22, 1853).

Of the two bills, Douglas was more interested in that for the protection of the emigrant route, for which the Rusk bill had been substituted. This will appear from a careful study of the debates upon the two measures. It is significant that two or three days after debate upon the railroad bill closed Douglas revived his bill to protect the emigrant route by offering it in modified form as an amendment to the Army appropriation bill, and it passed the Senate in this form, although later it was stricken out in conference. This bill could not have passed the Senate had any Senator believed that it had any vital bearing upon the route of the railroad. Senator Bradbury, of Maine, had opposed the emigrant protection bill at the preceding session upon the specific ground that it was a measure "that would embarrass and probably defeat the railroad by absorbing the means necessary for that purpose;" and John Bell opposed Douglas's rider to the Army appropriation bill, saying, "it will retard a greater improvement—a railroad to the Pacific." See Cong. Globe, XXIV, pt. III, 1763; Ibid., XXVI, 845; and Senate Journal, 2 sess., 32 Cong., 242 (Feb. 25, 1853).

[3] Hodder, 71, 85–86; Ray, 242.

not openly favor either a Chicago or a St. Louis terminal without losing support in one section [of Illinois] or the other," meaning the northern section, tributary to Chicago, or the southern section, tributary to St. Louis. In other words, the Kansas-Nebraska bill, with its repeal of the Missouri compromise, was a cleverly devised scheme to benefit Chicago at the expense of southern Illinois. If this was the true purpose of the bill, Prof. Hodder is quite right in his reply; such a purpose Douglas could not, of course, avow publicly, because it could be made to appear strangely like robbing Peter to pay Paul, a very reckless act of grand larceny for any politician to attempt in the arena of national politics. But to my mind this reply is wholly inadequate, as is the main contention underlying the reply, namely, that the act was primarily designed for the benefit of Chicago interests. In the first place, the reply is merely an unsupported assertion and a deduction from premises the insufficiency of which I am trying to indicate. Furthermore, if the reply gives us the real reason for Douglas's silence it belittles the political keenness and perspicacity of Douglas's numerous political opponents. If the existence of this subterranean motive is so perfectly clear to Prof. Hodder 60 years after the event, and without any direct contemporary evidence, is it reasonable to suppose that its existence could have escaped exposure in the debates in Congress, on the stump, or in the newspapers in those days when Douglas said, if my recollection is correct, that he could travel from Washington to Chicago by the light of his own burning effigies; or that it could have escaped the notice of all of our historians who have been over this period so carefully? Prof. Hodder unfortunately does not present in his article a scintilla of contemporary testimony, direct or hearsay, to support his reply to my objection.[1]

Over against the lack of evidence of distinguishing interest or enthusiasm on the part of Douglas in either Nebraska Territory[2] or the Pacific Railroad, let us set the evidence of such activity and interest coming from the State of Missouri. The fourth Nebraska bill was introduced in the House by Willard P. Hall, of Missouri, in December, 1851; and, in July, 1852, Senator Atchison, of Missouri, presented the resolutions adopted at a meeting of citizens

[1] Although Prof. Hodder takes exception to my claim that the Senate vote of March, 1853, on the Nebraska bill indicates that the opposition to the bill was connected with the choice of route for the Pacific Railroad, he comes around to substantially the same conclusions, namely, that "the situation was too complex to render it possible to interpret the vote from any single point of view" (p. 79).

[2] This seeming lack or interest in Nebraska Territory on the part of Douglas is all the more surprising in view of the fact that in the first session of the Thirty-second Congress (December, 1851), several petitions from inhabitants of his own State, as well as of Indiana, for the organization of Nebraska Territory were presented to the Senate, some of them by Douglas himself, and were referred to his Committee on Territories. (Senate Journal, 190, 330, 345, 478.)

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in Parkville, on the western border of Missouri, asking for the early organization of Nebraska for the protection of the emigrant route, but making no reference to the Pacific Railroad. Again, in December, 1852, Mr. Hall, of Missouri, reintroduced his Nebraska bill (called the Richardson bill by Prof. Hodder), which was the first of the series of Nebraska bills to pass either House of Congress. It is in the discussion of this bill in the House in February, 1853, that we have the two incidental references of Hall, of Missouri, and Richardson, of Illinois, to an opposition to the bill based upon Pacific Railroad considerations. When isolated, these remarks seem to have the significance attached to them, I admit; but when read carefully along with the entire context, there seems to me to be little, if any, justification for the importance which has been attached to them.[1] Furthermore, it should be noted that the Nebraska bill of the Thirty-third Congress, which ultimately passed as the Kansas-Nebraska act, was not introduced by Douglas, but by Senator Dodge, of Iowa, and in the House by Mr. Miller, of Missouri.

Prof. Hodder seems to be deeply impressed by the activity of the Iowa people, especially Senator Dodge,[2] and properly so. Even before the Hall-Richardson bill had passed the House in February, 1853, Senator Dodge, apparently dissatisfied with the inactivity of the Committee on Territories, seems to have attempted to prod that committee into activity by introducing a resolution early in 1853, which was adopted, actually instructing the Committee on Territories "to inquire into the expediency of a territorial government for . . . Nebraska."[3]

On the other hand, Prof. Hodder seems strangely blind in his article to evidence of similar activity with respect to obtaining land grants for railways on the part of Senator Atchison of Missouri. The latter's record in Congress shows quite as much active and efficient interest in obtaining such grants for railroads across Missouri, as preliminaries to the transcontinental road, as the record of the Senators from Illinois and Iowa. The very year in which

[1] Prof. Hodder is correct in saying that I erroneously state that Hall's remarks are the only ones in which reference is made to the subject of the Pacific Railroad in the House debates on the Nebraska bill in 1853 (p. 78, n.). I overlooked the brief allusion to the subject by Richardson, of Illinois, which, however, Prof. Hodder erroneously says that I quote (Ray, 241). He also erroneously quotes, as having been made by Hall, the remark which Richardson made (p. 78). The error is immaterial, however.

[2] Mention is also made of the bill introduced by Senator Jones, of Iowa, in March, 1852, and amended by Senator Dodge, providing for a land grant to aid in the construction of two railroads across the State of Iowa, apparently as preliminaries to the construction of the Pacific road.

[3] This fact is not mentioned by Prof. Hodder, nor does he mention the fact that active interest among the people of western Iowa in the Nebraska question in 1853 seems to be directly traceable to the interest and activity which had previously developed in Missouri and among the Wyandotts. The earliest evidence of Iowa interest which I have been able to find appears in October, 1853, when Hadley D. Johnson was elected Territorial Delegate. Senator Dodge's visit to western Iowa occurred the following month. (See Hadley D. Johnson's statement, quoted in Ray, 175 ff.)

Douglas procured the land grant for the Illinois Central, Senator Atchison had introduced bills which subsequently became laws, providing for land grants to aid in the construction of a railway from St. Louis to the western limits of Missouri; and even before that, Atchison had introduced bills which became laws, providing for a land grant for a railroad from Hannibal to St. Joseph in Missouri. I believe that it is possible to cite as much evidence of legislative activity on the part of Atchison connected with the construction of preliminary sections of a transcontinental system as in the case of any other Member of Congress before 1854.[1] Moreover, in Atchison's case the success of railroad legislation, especially in 1853 and 1854, was essential to the maintenance of his political influence at home. About this last point there can be no mistake; there is no need for conjecture or mere assertion; the evidence is indubitable and unimpeachable. Atchison thus had a direct personal interest and motive in promoting Nebraska and Pacific railway legislation which has not yet been established in the case of Douglas.

It is in his treatment of the events of 1853 and 1854 that the weaknesses of Prof. Hodder's article as a piece of special pleading are perhaps most conspicuous. In the first place, I do not think that it is an unfair, but rather the obvious, interpretation of what Prof. Hodder says about the visit of Col. Manypenny, Commissioner of Indian Affairs, to the Nebraska country in the summer of 1853,[2] to say that the statement seems calculated to convey the impression that the commissioner's visit was in some way unexplained, intimately connected with the choice of the route for the Pacific Railroad, and that his return without having negotiated any treaties of cession with the Indians was part of a conspiracy to rush through the choice of a southern route, in order to prevent which Douglas felt that "if anything was to be done to prevent it, it must be done quickly"; ergo, his support in the following winter of the Nebraska bill plus the repeal of the Missouri compromise.[3] No evidence or authority is cited in

[1] See Ray, 77–80, and footnotes.

[2] Hodder, 80.

[3] Ibid., 80. For Prof. Hodder's further assumption that Douglas blocked the building of the southern road, "which in 1853 was upon the eve of accomplishment," I can find no warrant. Where evidence may be found to justify this assertion, Prof. Hodder nowhere indicates. Yet, in order to explain why the Kansas-Nebraska act came in 1854, it is essential for him firmly to establish this point. In the Senate debate on the Rusk bill in 1853 I am unable to find the slightest ground for the assertion. That bill, which was discussed at length, did not fix upon any route, but left the choice to the incoming President after the necessary surveys, for which the bill carried an appropriation. For this very reason not a few Senators supported the bill who would have opposed it had it specified any route for the railroad. Douglas himself supported the bill. (See ante, p. 267.)

The surveys which Prof. Hodder mentions (pp. 78–79) were not submitted to Congress until 1855. If Douglas was excited in the winter of 1853–54 by the fear of a "snap" selection of the southern route, his fears were groundless. A simple inquiry at the proper office in Washington would have elicited the fact that the surveys would not be ready for that session of Congress.

support of this cavalier treatment of Manypenny's visit to Nebraska. If we may assume that in his subsequent report[1] Col. Manypenny told the truth—and his veracity has never, so far as I am aware, been impeached—the reason given for his failure to negotiate treaties had no connection whatever with the southern route. On the contrary, the commissioner distinctly states that his failure was due to the excitement stirred up among the Indians by reason of Benton's extraordinary claim, made in his campaign in 1853 to defeat Atchison for reelection to the Senate, that Nebraska was then legally open to settlement by white people without the necessity of preliminary treaties of cession on the part of the Indians or of any act of Congress establishing a territorial government.

From the little that Prof. Hodder says of this senatorial campaign in Missouri one might infer that it was a purely one-sided, ex parte, Bentonian affair in which Benton was running upon a platform "of a Missouri terminal for the Pacific Railway and the immediate opening of Nebraska to settlement in order to secure it [the Missouri terminal]." He has nothing whatever to say about the equally vigorous and spirited campaign that Atchison was conducting for his own reelection nor of his pledges on the stump and in the press to support a Nebraska bill which should accomplish, for the benefit of his slave-holding constituents in western Missouri, exactly what the Kansas-Nebraska act accomplished. All this was taking place in Missouri while Mr. Douglas was enjoying himself, let us hope, on a six months' European trip, during which time the question of a Territorial government for Nebraska, the question of slavery in the new Territory, Missouri's interest in the route of the Pacific Railway, and the interest of the Wyandott Indians therein had all become inextricably involved with the political fortunes of Atchison as well as Benton.

Prof. Hodder also makes the unsupported assertion that "The organization of Nebraska was not needed by the westward movement, as there were still in Missouri thousands of acres of unoccupied land; but it was indispensable to a Missouri terminus for the Pacific Railroad."[2] Now, it may be true that the organization of Nebraska was not needed, for the reason given by Prof. Hodder, but there is evidence tending to prove that the people of Missouri thought and claimed that it was needed by the "westward movement." Prof. Hodder can not have read carefully the well-known book of J. Madison Cutts, the proud father-in-law of Douglas, which he cites as an authority upon other points, or else he would have discovered this passage, purporting to come from Douglas

[1] See House Executive Documents, 1 sess., 33 Cong., pt. I, 243 ff, 269 ff; quoted in part in Ray, 154, and notes.
[2] Hodder, 74.

himself, respecting the necessity for the organization of Nebraska Territory. Please observe the prominence here given to political conditions in Missouri and also the statement respecting the purpose of Col. Manypenny's visit to the Nebraska Indians. The passage referred to is as follows:

> In the meantime [1844–1853] the passion of the western people for emigration had become so aroused that they could no longer be restrained; and Col. Benton, who was a candidate in Missouri for reelection to the Senate in 1852 and 1853, so far yielded to the popular clamor as to advise the emigrants who had assembled in a force of fifteen or twenty thousand on the western border of Missouri, carrying their tents and wagons, to invade the territory and take possession, in defiance of the Indian intercourse laws and of the authority of the Federal Government, which, if executed, must inevitably have precipitated an Indian war with all those tribes.
>
> When this movement on the part of Col. Benton became known at Washington, the President of the United States dispatched the Commissioner of Indian Affairs [Col. Manypenny] to the scene of excitement, with orders to the commanding officer at Fort Leavenworth to use the United States Army in resisting the invasion if he could not succeed in restraining the emigrants by persuasion and remonstrances. The Commissioner of Indian Affairs succeeded in procuring the agreement of the emigrants that they would encamp on the western borders of Missouri until the end of the next session of Congress, in order to see if Congress would not in the meantime by law open the country to emigration. When Congress assembled at the session of 1853–54, in view of this state of facts, Mr. Douglas renewed his [sic] Nebraska act, which was modified, pending discussion, by dividing into two Territories, and became the Kansas-Nebraska act. From these facts you can draw your own conclusions whether there was any necessity for the organization of the Territory and of congressional action at that time.[1]

We now come to the question, Was force or persuasion used upon Douglas to accomplish the repeal of the Missouri compromise? And if so, who employed this force or persuasion? Prof. Hodder says that "Douglas did not originally intend to repeal the Missouri compromise, but having made one concession he made a second, and then was forced to make a third and a fourth," referring, of course, to the mutations which the bill underwent in the Senate, and that Douglas "yielded to pressure."[2] In this last statement Prof. Hodder is quite right; but it is his answer to the natural and unavoidable question, whence came this pressure, to which I take exception. He asserts in a footnote that "it was Dixon who forced direct repeal,"[3] and later on he asserts that Douglas's "hand was further forced by Dixon's motion for direct repeal of the Missouri compromise."[4] This

[1] J. Madison Cutts, A Brief Treatise upon Constitutional and Party Questions, 90–91; quoted in Ray, 163–164, n. 128. See also Atchison's speech in the Senate, March, 1853, Cong. Globe, XXVI, 1111 ff.; quoted in Ray, 102 ff.
[2] Hodder, 81. Douglas himself afterwards admitted this in a speech at the Illinois State Agricultural Fair in October, 1854, when he said, "I was no volunteer in this matter. It devolved upon me as a duty." Ray, 200.
[3] Hodder, 73.
[4] Ibid., 81.

is all that Prof. Hodder has to say upon this important point, except that in a footnote he seems unwilling to concede that by any possibility, still less any probability, this pressure could have come from Senator Atchison of Missouri.[1]

In other words, Prof. Hodder claims that a Whig Senator from a State which apparently was not peculiarly interested in the Pacific Railroad or in the Territorial question could have forced Douglas to a course of action which a Senator belonging to Douglas's own party and coming from a State where the Nebraska and allied questions had been prominent issues for months previous could not accomplish. I am perfectly willing to concede that the Dixon pressure —perhaps persuasion would ' a better term—may have had some weight with Douglas, for there is some evidence tending to prove that. But from this admission, it does not follow that pressure or persuasion could not have come from other sources also, particularly from Atchison, who was a friend of both Douglas and Dixon.[2] Leaving entirely out of consideration any subsequent claims made by Atchison, whether drunk or sober, is there anything unreasonable or even improbable in the suggestion that pressure or persuasion coming from a personal friend and a fellow partisan who was fighting for his political existence should have been quite as effective with Douglas as any pressure that might have come from a Whig Senator serving the unexpired term of Henry Clay? In this case, the probabilities are supported by evidence, irrespective of Atchison's own claims, which is not impeached by Prof. Hodder, nor even mentioned by him.[3]

But, says Prof. Hodder in a footnote, "Atchison was allied with the Calhoun wing of the Democratic Party and would not have fathered a bill which assumed popular sovereignty."[4] It is true that Atchison was allied with the Calhoun wing of the party; I will go further and say that for years he had been one of the bright and shining leaders of that wing of the party in Missouri. But Prof. Hodder's assertion assumes that a practical politician, fighting for his political existence, did not modify his position in order to win reelection and to satisfy the demands of his slaveholding constituents.[5] This is precisely what Atchison did, and for the inconsistency he was vehemently denounced by his enemies in Missouri. Nevertheless, under the circumstances existing there, it was the only course left for him to take in the face of Benton's disconcerting tactics in 1853. His inconsistency was rendered less damaging than one might suppose by his being able to plant himself squarely upon the resolu-

[1] Hodder, 73–74, note.
[2] See Ray, 273.
[3] See Ray, Chs. VII and VIII.
[4] Hodder, 73–74.
[5] See Ray, 112 ff.

as adopted by the Missouri Legislature of 1845, wherein the principle of popular sovereignty had been formally indorsed, as well as in similar resolutions more recently adopted by numerous popular meetings in Missouri. The evidence that this change of attitude on the part of Atchison actually took place is incontrovertible, although ignored by Prof. Hodder.[1]

But what was the ultimate purpose in Douglas's yielding to pressure? Prof. Hodder answers, and I agree with him so far, that "His object was to clearly secure the organization of the Territory at any cost,"[2] and that "he yielded to pressure to save the party" which was "in distracted condition." Further on he tells us, and again I concur, that Douglas was "an opportunist in politics."[3] Now why does not Prof. Hodder tell us where the party stood in peculiar need of salvation, where it was in a peculiarly "distracted condition," and where lay Douglas's greatest opportunity to play the part of "an opportunist in politics"? Had these questions been answered from the evidence in the case, we should have been informed that in New York and Missouri the Democratic Party was rent with dissensions as in no other States in the Union; that in New York we find clear-cut enunciations in the Democratic press of the doctrine of supersedure applied to Nebraska some weeks before Douglas proclaimed it in the Senate; that in Missouri, Atchison and Benton had been waging, on the stump and in the press during the summer and fall of 1853, perhaps the bitterest political campaign that has even been waged in American State politics; that the leading issues in this campaign related to the organization of Nebraska, the permission or prohibition of slavery therein, and the Pacific Railway—all of them subjects within the peculiar province of Congress to consider and determine, and in which the people of Missouri appear to have been more generally interested than the people of any other State, not excepting Iowa. Why does not Prof. Hodder tell us that during this campaign Atchison had repeatedly given pledges to his slaveholding constituents, who were eager to enter Nebraska with their slaves, to endeavor to bring about the repeal of the old restriction upon slavery in that Territory at the opening of the Thirty-third Congress; and further, that the form in which the repeal of that restriction was finally consummated fitted in exactly with the political needs of Atchison at just this time; that the method provided for the settlement of the slavery question in the new Territory harmonized perfectly with the method formally recommended to Congress by the Missouri Legislature and upon which Atchison had firmly planted himself in 1853; that Missouri newspapers early in 1854 saw the

[1] See Ray, Ch. VI.
[2] Hodder, 85.
[3] Hodder, 82.

direct connection between this early expression of the Missouri Legislature on the subject of slavery and the provisions in the pending Kansas-Nebraska bill; that the Washington correspondents of the principal newspapers in Missouri and in the East perceived and repeatedly called the attention of their readers to the bearing which the various changes in the Nebraska bill would have upon the contest going on in Missouri?[1] These are facts which are not disproved by anything contained in Prof. Hodder's article; indeed, to establish his main propositions he is obliged to ignore them. But surely, if anywhere, here in Missouri existed an ideal situation for one who was "an opportunist in politics."

For the foregoing reasons, I find myself unable to extend a more cordial welcome to this new theory of the genesis of the Kansas-Nebraska act. In a word, the theory is inadequate to explain why the repeal of the Missouri compromise was added to the act, or why the passage of the act occurred in 1854, and neither sooner nor later. It can be established only by producing new evidence or by ignoring a large amount of evidence supporting a different theory. It is of course quite possible that in time evidence will be discovered which will supply all the deficiencies which I have pointed out. My contention now is merely that as Prof. Hodder has presented his case, we must return a Scotch verdict, "Not proved."

It seems to me that Prof. Hodder took a much more defensible position when, in reviewing my book in "The Dial,"[2] he said—

> The question as to what was Douglas's motive remains very much the same as before. It is necessarily a matter of pure conjecture, since there is no particle of [direct] evidence bearing upon it. His primary purpose probably was to secure the success of the bill, since the fate of the Richardson [Hall] bill had shown that Nebraska could not [?] be organized under the Missouri restriction.[3] His most probable secondary purpose seems to have been to compromise opposing opinions in his own party with respect to slavery in the territories.

[1] See Ray, Chs. VII and VIII.

[2] Issue of Sept. 1, 1909, 120 ff.

[3] Contra: The passage of the Hall (Richardson) bill in the House, 1853, and Douglas's remarks in the Senate to the effect that he knew the bill would pass if it could be brought to a vote. I have not taken pains to verify Prof. Hodder's assertions with r[illegible] to Douglas's interest in Pacific Railway legislation *after* the passage of the Kansas-Nebraska act. Until supported by other than inferential evidence, they have no tendency to prove Douglas's great interest in the Pacific Railroad *before* 1854, whatever the extent of his interest may have been after that date. May it not be that Douglas's apparent interest in the Pacific Railroad during and after 1854 was the effect, not the cause, of the Kansas-Nebraska movement? At any rate it would be interesting to follow up this suggestion.

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